

COMMITTEE ON PUBLIC WORKS AND PURCHASING
(Standing Committee of Berkeley County Council)

Chairman: Mr. Robert O. Call, Jr. Council Member District No. 3

A **special meeting** of the **COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Standing Committee of Berkeley County Council was held on **Monday January 25, 2010**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Chairman Robert O. Call, Jr., Council District No. 3; Committee Member Phillip Farley, District No. 1; Committee Member Timothy J. Callanan, District No. 2; Committee Member Cathy S. Davis, District No. 4; Committee Member Dennis Fish, District No. 5; Committee Member Jack H. Schurlknight, District No. 6; Committee Member Caldwell Pinckney, Jr., District No. 7; Committee Member Steve C. Davis, District No. 8; Daniel W. Davis, Supervisor, ex officio; Nicole Scott Ewing, County Attorney; and Barbara B. Austin, Clerk to County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentation, minutes are typically condensed and paraphrased.

Chairman Fish called the meeting to order.

A. Consideration of a Resolution designating surplus property of Berkeley County and authorizing the disposal of the **surplus property**.

Mr. Hamer reported that the equipment listed on the Surplus Vehicles and Equipment Sheets [attached hereto and made a part hereof by reference] is no longer needed and would be disposed of as quickly as possible, and that the heavy equipment would be listed on GovDeals.com.

It was moved by Committee Member S. Davis seconded by Committee Member Fish to **approve the Resolution** designating surplus property of Berkeley County and authorizing the disposal of the **surplus property**. The motion passed by unanimous voice vote of the Committee.

B. Mr. John F. Hamer, CPPB, Director of Procurement, Re: Drop Off Drive Relocation and I-26/Highway 16 (Cooper Store Rd) Intersection improvement.

Mr. Frank Carson stated that this is Phase I of the Jedburg Road Assessment District Project, that 5 bids were received, and that while the low bid was submitted by Banks Construction Company, Cooper River Construction, Inc., was within 5% and as a Berkeley County bidder they were allowed the opportunity to match the total and unit prices of Banks Construction's bid. He continued to say that they were found to qualify and chose to match those

prices; therefore he recommends that the award go to Cooper River Construction, Inc., in the amount of \$2,252,750.38.

Mr. Fish asked when the proposed construction would start.

Mr. Carson replied that after tonight's meeting, the proposed contract would be sent to the contractor who would then have 10-15 days to return the signed contracts and bonds, at which time a pre-construction meeting would be scheduled, so the intent is to start within the month. (inaudible) 120-day completion.

Mr. Farley asked where the engineering estimates came from, and Mr. Carson replied that they were from the LPA Group.

Mr. Callanan asked if the source of funding was the "one-penny", to which Mr. Carson responded that no, it was the Assessment District Improvement Fund and the assessment fees (inaudible) paid by the 6 private members of the assessment district to repay the SIB loan.

It was moved by Committee Member Callanan and seconded by Committee Member Fish to **approve** the contract for Drop Off Drive Relocation and I-26/Highway 16 (Cooper Store Rd) Intersection improvement to Cooper River Construction, Inc., in the amount of \$2,252,750.38. The motion passed by unanimous voice vote of the Committee.

Mr. Call (without objection) then gave Mr. Ron Banks of Banks Construction Company, the opportunity to address the Committee on the issue that was just voted on.

Mr. Banks (handing out a letter to Council) began by reiterating that his company was the low bidder on the project. He said that in light of the new Preferred Vendor spec (which he understood), he wished to mention something that he hoped would be considered in future projects. He started by giving the example that if, under the new preference, this had been a resurfacing project there would have only been one company in the county that would have actually been able to meet the spec and that, over a period of time, this would affect competition in the county. (He noted that this was not the case on this project but on a resurfacing project it could be an issue.) Mr. Banks remarked that his company has 51 employees who live in Berkeley County (equating annually to over one million dollars gross pay) – a substantial investment in Berkeley County. He pointed out that Banks owns an industrial building (assessed last year at \$530,000) that they rent out, and that they do business in Berkeley County through a related company. He said that the thing that was hard for him to understand was the fact that in light of these tough times he now has to report back to his employees that although they were the low bidder, they did not meet the spec (therefore losing the bid) because they don't have an "office" here.

Mr. Callanan stated that this has come up before and asked what the actual requirement is with regard to "office".

Ms. Ewing responded that the office has to be related to the project that is being bid on and that in this case, Banks's property in Berkeley County does not qualify – in her opinion - because it is a subsidiary company, not the company that actually bid on the project.

Mr. Banks remarked that nowhere in the provision does it say that you have to give the opportunity to the next person - it says you “may”; it is fully at your discretion whether you allow the second bidder to bid it or not.

Mr. Dan Davis said that he knew that Charleston County has a similar ordinance to ours and asked if it works much differently than the Berkeley County ordinance.

Mr. Banks said that it was pretty much the same but theirs says that an “office trailer” would not necessarily meet the specs; Berkeley County’s says that it does. The major difference in Charleston County (for instance on a resurfacing project), he said, is that there is more than one person who qualifies under that provision, but in Berkeley County there is only one. Mr. Banks concluded by thanking the Council for the opportunity to speak.

It was moved by Committee Member Schurlknight and seconded by Committee Member Callanan to **adjourn** the special Committee on Public Works and Purchasing Meeting. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:24 p.m.

February 8, 2010
Date Approved

PUBLIC WORKS AND PURCHASING

(Standing Committee of Berkeley County Council)

Chairman: Mr. Robert O. Call, Jr., District No. 3

Members: Mr. Phillip Farley, District No. 1
Mr. Timothy J. Callanan, District No. 2
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A special **meeting** of the **COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Standing Committee of Berkeley County Council will be held following the meeting of the Committee on Human Services on **Monday January 25, 2010, at 6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

A. Consideration of a Resolution designating surplus property of Berkeley County and authorizing the disposal of the **surplus property**.

B. Mr. John F. Hamer, CPPB, Director of Procurement, Re: Drop Off Drive Relocation and I-26/Highway 16 (Cooper Store Rd.) Intersection improvement.

January 20, 2010
S/Barbara B. Austin, CCC
Clerk of County Council